

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
ELKINS

MARYANNE L. MAYHEW,

Plaintiff,

v.

**Civil Action No. 2:13-CV-61
(BAILEY)**

**COMMISSIONER OF SOCIAL
SECURITY,**

Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATION

On this day, the above-styled matter came before the Court for consideration of the Report and Recommendation of United States Magistrate Judge John S. Kaull [Doc. 20], dated March 18, 2014. Pursuant to 28 U.S.C. § 636(b)(1)(C), this Court is required to make a *de novo* review of those portions of the magistrate judge's findings to which objection is made. However, failure to file objections to the magistrate judge's proposed findings and recommendation permits the District Court to review the recommendation under the standards that the District Court believes are appropriate, and under these circumstances, the parties' right to *de novo* review is waived. See *Webb v. Califano*, 468 F. Supp. 825 (E.D. Cal. 1979).

In his R&R, Magistrate Judge Kaull recommends this Court dismiss the Complaint [Doc. 1] with prejudice for failure to prosecute and for failure to comply with the Court's Order of February 28, 2014 [Doc. 18], in which the magistrate judge directed the plaintiff to file her Motion for Summary Judgment, and cautioned that failure to do so would result in dismissal of this action. To date, the plaintiff has failed to file her Motion for Summary Judgment or any objections to the R&R. This Court notes that the R&R was returned as

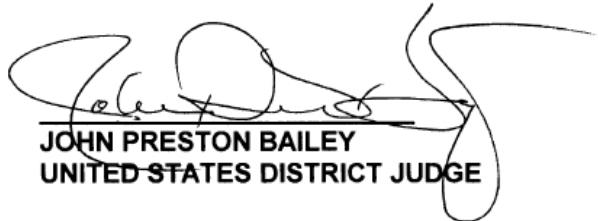
undeliverable / unable to forward; however, it is the plaintiff's duty to keep the Court apprised of her current address. Accordingly, the report and recommendation ("R & R") will be reviewed for clear error.

Upon review of the R & R and the record, it is the opinion of this Court that the Magistrate Judge's Report and Recommendation **[Doc. 20]** should be, and is, hereby **ORDERED ADOPTED** for the reasons more fully stated therein. This matter is hereby **DISMISSED** and **ORDERED STRICKEN** from the active docket of this Court. The Clerk is **DIRECTED** to enter a judgment in favor of the defendant.

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to all counsel of record.

DATED: April 30, 2014.



JOHN PRESTON BAILEY
UNITED STATES DISTRICT JUDGE